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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/674,013	09/29/2003	Mark Bernard Hettish	2003P08064US	2383
7590 10/24/2007 Siemens Corporation Attn: Elsa Keller, Legal Administrator Intellectual Property Department 170 Wood Avenue South Iselin, NJ 08830			EXAMINER PADMANABHAN, KAVITA	
			ART UNIT 2161	PAPER NUMBER
			MAIL DATE 10/24/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/674,013

Applicant(s)

HETTISH ET AL.

Examiner

Kavita Padmanabhan

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2161

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 August 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6, 8-11, 13-15 and 17-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8-11, 13-15 and 17-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Status of Claims

1. Claims 1, 14, 22, and 23 have been amended.
2. Claims 1-6, 8-11, 13-15, and 17-23 are pending.
3. Claims 1-6, 8-11, 13-15, and 17-23 are rejected.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).
6. **Claims 1-6, 8-15, and 17-23** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Yoakum et al.** (US 6,658,095, hereinafter "Yoakum") in view of "SIP (Session Initiation

Protocol) in Enterprise-Class IP Telephony Networks”, White Paper, Communication without boundaries, 2002, Avaya Inc. (hereinafter “Avaya”), cited by applicant.

In regards to **claim 1, Yoakum** teaches a method, comprising:

- configuring a first device as an associated device with a system, wherein said first device is associated with said system (**Yoakum; col. 4, lines 26-49 – teaches an associated device; Fig. 1, reference character 16B**);
- receiving availability information regarding a second device from a device management component of said system, said second device being registered with said system (**Yoakum; col. 9, line 46 – col. 10, line 10 – “*user agents register their ability to establish sessions with a SIP proxy*” – SIP endpoints are considered registered with the system, in accordance with pages 3-4 of applicant’s own specification**);
- maintaining availability information regarding said first device and said second device (**Yoakum; col. 4, lines 35-67 – “*The presence system 20 may be configured by a user device, such as a PC 22, and operates to collect state information provided by users or various devices of the users, process the state information to derive presence information, and provide the presence information to presence applications 24, automatically or in response to a request.*”**); and
- providing device context information for said first device to an application (**Yoakum; col. 4, lines 35-67 – “*provide the presence information to presence applications*”**).

Yoakum also teaches that the first device could be any of a variety of devices, including a cellular phone, etc. (**Yoakum; col. 4, lines 26-34; Fig. 1, reference character 16B**).

Yoakum does not expressly teach that the first device is not registered with said system.

Avaya explicitly teaches certain devices associated with a user being SIP-enabled and certain devices not being SIP-enabled (**Avaya; p2, right column, paragraph 3, lines 7-9; p3, left column, paragraph 2, lines 2-3; p6, left column, paragraph 1, lines 1-5; p6, right column, paragraph 2, lines 5-6**), which is interpreted as not being *registered* in the SIP system.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to implement the method of Yoakum with non-registered devices as well, as explicitly taught by Avaya, thereby allowing the system to address a larger universe of devices and provide services to both SIP and non-SIP endpoints (**Avaya; p2, right column, paragraph 3, lines 7-9; p6, right column, paragraph 2, lines 5-6**).

In regards to **claim 2**, **Yoakum and Avaya** teach the method of claim 1, wherein said configuring a first device as an associated device in a system includes receiving a call from an application to configure said first device as an associated device (**Yoakum; col. 4, lines 35-49**).

In regards to **claim 3**, **Yoakum and Avaya** teach the method of claim 1, wherein said receiving information regarding a second device from a device management component includes receiving device context information regarding said second device from said device management component (**Yoakum; col. 9, lines 46 – 51**).

In regards to **claim 4**, **Yoakum and Avaya** teach the method of claim 1, wherein maintaining information regarding said first device and said second device includes maintaining

device context information for said first device and device context information for said second device (**Yoakum; col. 4, lines 35-67; col. 9, lines 46-51**).

In regards to **claim 5, Yoakum and Avaya** teach the method of claim 1, further comprising:

- receiving a call from an application to configure said first device (**Yoakum; col. 4, lines 35-49**).

In regards to **claim 6, Yoakum and Avaya** teach the method of claim 1, further comprising:

- receiving a call from an application to set a device context for said first device (**Yoakum; col. 4, lines 35-49**).

In regards to **claim 8, Yoakum and Avaya** teach the method of claim 1, further comprising:

- providing device context information for said first device and said second device to an application (**Yoakum; col. 4, lines 26-67; col. 9, lines 46-51**).

In regards to **claim 9, Yoakum and Avaya** teach the method of claim 1, further comprising:

- providing device context information for said first device to said device management component (**Yoakum; col. 4, lines 26-67; col. 9, lines 46-51 – device management component is interpreted to be software associated with second device that sends/receives context/state information for the second device – so, if devices are exchanging information, the information relating to the first device is being sent to the second device**).

In regards to **claim 10**, **Yoakum and Avaya** teach the method of claim 1, further comprising:

- receiving a query for device context information for said first device (**Yoakum; col. 4, lines 26-67 – a request is interpreted to be a query**).

In regards to **claim 11**, **Yoakum and Avaya** teach the method of claim 1, further comprising:

- receiving a query for device context information for said first device and said second device (**Yoakum; col. 4, lines 26-67; col. 9, lines 46-51 – a request is interpreted to be a query**).

Claim 12 is rejected with the same rationale given for claim 1.

In regards to **claim 13**, **Yoakum and Avaya** teach the method of claim 1, wherein said device management component includes a presence and availability service (**Yoakum; col. 3, lines 40-42; col. 10, lines 54-65**).

In regards to **claim 14**, **Yoakum** teaches a system, comprising:

- an application (**Yoakum; col. 4, lines 35-49**);

- a device management component, said device management component adapted to communicate with a first registered device (**Yoakum; col. 9, line 46 – col. 10, line 10 – SIP endpoints are considered registered with the system**);
- a context management component, said context management component adapted to:
 - communicate with a first associated device (**Yoakum; col. 4, lines 26-49; Fig. 1, reference character 16B**), with said application regarding said first associated device and said first registered device (**Yoakum; col. 4, lines 35-67; col. 9, line 46 – col. 10, line 16**), and with said device management component regarding said first registered device (**Yoakum; col. 9, lines 46-51 – device management component is interpreted to be software associated with registered device that sends/receives context/state information for the device**), wherein said first associated device is associated with said system (**Yoakum; col. 4, lines 26-49 – teaches an associated device; Fig. 1, reference character 16B**); and
 - provide device context information for said first associated device to said application (**Yoakum; col. 4, lines 35-67**).

Yoakum also teaches that the first device could be any of a variety of devices, including a cellular phone, etc. (**Yoakum; col. 4, lines 26-34; Fig. 1, reference character 16B**).

Yoakum does not expressly teach that the first associated device is not registered with said system.

Avaya teaches, certain devices associated with a user being SIP-enabled and certain devices not being SIP-enabled (**Avaya; p2, right column, paragraph 3, lines 7-9; p3, left column,**

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paragraph 2, lines 2-3; p6, left column, paragraph 1, lines 1-5; p6, right column, paragraph 2, lines 5-6), which is interpreted as not being registered in the SIP system.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to implement the method of Yoakum with non-registered devices as well, as taught by Avaya, thereby allowing the system to address a larger universe of devices and provide services to both SIP and non-SIP endpoints (**Avaya; p2, right column, paragraph 3, lines 7-9; p6, right column, paragraph 2, lines 5-6).**

In regards to **claim 15, Yoakum and Avaya** teach the system of claim 14, wherein said application is adapted to send a call to said context management component to configure said first associated device (**Yoakum; col. 4, lines 35-49).**

In regards to **claim 17, Yoakum and Avaya** teach the system of claim 14, wherein said context management component is adapted to send device presence information for said first associated device to said device management component (**Yoakum; col. 3, lines 40-42; col. 4, lines 35-67).**

In regards to **claim 18, Yoakum and Avaya** teach the system of claim 14, wherein said device management component includes a presence and availability service (**Yoakum; col. 3, lines 40-42; col. 10, lines 54-65).**

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In regards to **claim 19, Yoakum and Avaya** teach the system of claim 14, wherein said system operates in a session initiation protocol (SIP) environment, and said first associated device is not registered in said SIP environment (**Avaya; p2, right column, paragraph 3, lines 7-9; p3, left column, paragraph 2, lines 2-3; p6, left column, paragraph 1, lines 1-5; p6, right column, paragraph 2, lines 5-6 – teaches certain devices associated with a user being SIP-enabled and certain devices not being SIP-enabled, which is interpreted as not being registered in the SIP system**) and said first registered device is registered in said SIP environment (**Yoakum; col. 9, line 46 – col. 10, line 16**).

In regards to **claim 20, Yoakum and Avaya** teach the system of claim 14, wherein said device management component does not see said first associated device (**Avaya; p2, right column, paragraph 3, lines 7-9; p3, left column, paragraph 2, lines 2-3; p6, left column, paragraph 1, lines 1-5; p6, right column, paragraph 2, lines 5-6 – teaches using gateways and other mechanisms of reaching devices that are not on the SIP network system, and such gateways are obviously necessitated because the SIP-devices are not directly aware of the “non-registered“ devices**).

In regards to **claim 21, Yoakum and Avaya** teach the system of claim 14, wherein said application, said context management component and said device management component operate in a SIP environment and said first registered device is registered in said SIP environment (**Yoakum; col. 9, line 46 – col. 10, line 16**).

Claims 22 and 23 are each rejected with the same rationale given for claim 1.

Response to Arguments

7. Applicant's arguments filed 8/10/07 with respect to the prior art rejections of the claims have been fully considered but they are not persuasive.

Applicant argues that Yoakum is silent regarding the “registration” of a device with the disclosed presence system and that Yoakum does not teach an “associated” device being registered with the system. Therefore, the applicant argues that Yoakum does not teach the claimed “associated and not registered device”.

The examiner respectfully disagrees and asserts that Yoakum clearly teaches registered devices (Yoakum; col. 9, line 46 – col. 10, line 10 – “*user agents register their ability to establish sessions with a SIP proxy*”). The examiner is interpreting SIP endpoints in Yoakum to be *registered* devices, which is in accordance with pages 3-4 of applicant’s own specification.

The examiner further asserts that certain features upon which applicant relies (i.e., an “associated” device being registered with the system) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

In response to applicant's argument that Yoakum does not teach the claimed “associated and not registered device”, the examiner asserts one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re*

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Keller, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Moreover, the examiner respectfully notes that the *applicant's present arguments appear to directly contradict the previous arguments* submitted on 11/15/06, in which applicant himself admits at page 11 of applicant's remarks that "it is clear that Yoakum expressly teaches that devices are both associated and registered with a presence system" and that "Applicant reiterates that Yoakum specifically and explicitly discloses and teaches associating and registering devices with a presence system". Therefore, the examiner asserts that the applicant himself has clearly admitted that Yoakum teaches registering devices.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Kavita Padmanabhan** whose telephone number is **571-272-8352**. The examiner can normally be reached on Monday-Friday, 9:00am-5:30pm.

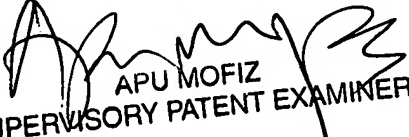
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Apu Mofiz can be reached on 571-272-4080. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Kavita Padmanabhan
Assistant Examiner
AU 2161

October 21, 2007

KP.


APU MOFIZ
SUPERVISORY PATENT EXAMINER